

DL 31.10.2025 n. 159 (so-called "safety at work" decree) - Main changes

1 INTRODUCTION

With Legislative Decree no. 159 of 31.10.2025, published in the *Official Gazette* no. 254 of 31.10.2025, numerous urgent provisions have been issued on the protection of health and safety in the workplace.

Decree-Law 159/2025 entered into force on 31.10.2025, the same day as its publication.

The main changes contained in Legislative Decree 159/2025 are analyzed below.

Legislative Decree 159/2025 is in the process of being converted into law and the related provisions are therefore subject to amendments and additions.

2 PROCUREMENT MEASURES AND "CONSTRUCTION SITE BADGES"

Article 3 of Decree-Law 159/2025 intervenes with regard to the supervisory activity in the field of procurement and subcontracting, with particular reference to the discipline of the so-called "*construction site badge*".

2.1 MEASURES ON INSPECTION ACTIVITIES

Art. 3 par. 1 of Decree-Law 159/2025 requires the National Labour Inspectorate (INL), in directing its supervisory activity for the issuance of the certificate of registration in the "INL Compliance List" referred to in art. 29 par. 7 of Decree-Law 19/2024 (reserved for virtuous companies, free of irregularities and violations), to provide as a priority for the competent controls on employers who carry out their activities under a subcontracted regime, public or private.

2.2 ADDITIONS TO THE "CONSTRUCTION SITE BADGE" DISCIPLINE

Article 3, paragraphs 2-3 of Legislative Decree 159/2025 supplements the rules for the use of the appropriate identification card accompanied by a photograph, containing the worker's personal details and the indication of the employer, referred to in Article 26, paragraph 8 of Legislative Decree 81/2008, provided for workers employed by companies operating on construction sites under contract or subcontracting (so-called "*construction site badge*").

In fact, it is established that:

- the identification card will also be applicable in the other areas of activity at higher risk, which will be identified with a subsequent ministerial decree;
- The card, used as a *badge*, must be equipped with a unique anti-counterfeiting code and must indicate the employee's identification elements.

In addition, the card will also be made available digitally through national tools interoperable with the SIISL platform, i.e. the Information System for Social and Labour Inclusion referred to in art. 5 of Legislative Decree 4.5.2023 no. 48.

Operationally, the *construction site badge*, in digital mode, will be produced automatically and pre-filled, except for additions entered by the employer.

Implementing measure

The methods of implementation of the new provisions will be defined by a special ministerial decree.

3 NEW FEATURES ON THE "POINTS DRIVING LICENCE"

Art. 3 par. 4-6 of Decree-Law 159/2025 intervenes in the matter of credit driving licences (so-called "points driving licence"), referred to in art. 27 of Legislative Decree 81/2008, for companies and self-employed workers operating on temporary or mobile construction sites, meaning places where

building or civil engineering work is carried out (Article 89 paragraph 1 letter a) of Legislative Decree 81/2008).

In particular, the measure in question introduces innovations that speed up the procedure for deducting points and tighten the sanctioning regime.

3.1 POINTS DEDUCTION PROCEDURE

As a preliminary point, it should be noted that, pursuant to art. 27 par. 6-7 of Legislative Decree 81/2008, the deductions of the points of the driving licence to credits take place only following final measures, i.e. a sentence that has become final or an order-injunction that has become final.

On the basis of the new paragraph 7-bis of art. 27 of Legislative Decree 81/2008, on the other hand, in order to proceed with the deduction of points in the cases falling within the scope of the maxi-sanction for "illegal" work, it is no longer necessary to wait for the adoption of the order-injunction, as a final measure, but it will be sufficient only to notify the assessment report, with which this violation is contested following inspection activities.

Expiration

The new discipline applies in relation to offences committed from 1.1.2026, while the previous provisions continue to apply for previous periods.

3.2 INCREASE IN PENALTIES

Art. 3 of Decree-Law 159/2025 tightens the sanctioning regime for companies or self-employed workers operating on construction sites:

- without a credit license;
- or who are in possession of it, but with less than 15 points.

In this regard, it should be noted that art. 27 paragraph 11 of Legislative Decree 81/2008 provides, for both cases, for the application of an administrative sanction commensurate with 10% of the value of the works.

However, the same rule sets a minimum threshold for this sanction, which – after the intervention of Decree-Law 159/2025 – cannot be less than €12,000.00, instead of €6,000.00 as per the previous provision.

Furthermore, with a view to making the procedure for adopting the measure of suspension of the driving licence more effective, art. 3 of Decree-Law 159/2025 supplemented art. 27 paragraph 8 of Legislative Decree 81/2008, establishing that the competent Public Prosecutor's Offices must promptly transmit to the National Labour Inspectorate the information necessary for the adoption of the measure in question.

4 AUTHORIZATION TO INAIL FOR THE REVISION OF FLUCTUATION RATES AND CONTRIBUTIONS IN AGRICULTURE

Art. 1 of Decree-Law 159/2025 authorizes INAIL to carry out the revision:

- the fluctuation rates in *bonuses* for accident trends;
- of contributions in agriculture.

The revision takes place, on the proposal of INAIL, by decree of the Minister of Labour and Social Policies, in agreement with the Minister of Economy and Finance, after consulting the Minister of Agriculture, Food Sovereignty and Forestry, within 60 days of the date of entry into force of Decree-Law 159/2025.

4.1 REVISION OF FLUCTUATION RATES DUE TO ACCIDENT TRENDS

INAIL is authorized to carry out the revision of the fluctuation rates in *bonuses* for accident trends, in order to encourage the reduction of accidents in the workplace and to reward virtuous employers, in compliance with the balance of tariff management.

The authorization:

- takes place pursuant to art. 3 of Legislative Decree 38/2000, which allows the periodic updating of premium rates for insurance against accidents at work and occupational diseases;
- starts from 1.1.2026.

Exclusions

Companies that have reported final convictions for serious violations in the field of safety in the workplace in the last two years *are excluded from the recognition of the bonus*.

For the purposes of excluding the *bonus* (and pending the implementation of information systems for data application cooperation), the judicial authority is required to promptly notify INAIL, also by electronic means, of the final sentences of conviction.

The implementation procedures of the aforementioned provisions will be defined by decree of the Minister of Labour and Social Policies, in agreement with the Minister of Justice and the Minister of Economy and Finance, on the proposal of INAIL, within 60 days of the date of entry into force of the law converting Decree-Law 159/2025.

4.2 REVISION OF INAIL CONTRIBUTIONS IN AGRICULTURE

INAIL is also authorised to carry out the revision of contributions in agriculture, pursuant to Title II of Presidential Decree 1124/65, in compliance with the balance of tariff management.

This authorization also takes effect from 1.1.2026.

INAIL contributions in the agricultural sector are collected by INPS and the rate is 13.2435% (of which 10.1250% for "Assistance for Accidents at Work" and 3.1185% for "Additional Accidents at Work"), while for self-employed agricultural workers (excluding IAPs for whom the INAIL premium is not due) the premium is set at the annual capitation rate of 768.50 euros (for normal areas) and 532.18 euros (for mountain areas and disadvantaged areas).

There is also a reduction in premiums and contributions for insurance against accidents at work and occupational diseases provided for by art. 1 co. 128 of Law 147/2013, the amount of which is established annually by a special ministerial decree.

5 INAIL INSURANCE AND SAFETY MEASURES FOR STUDENTS IN SCHOOL-WORK TRAINING

Art. 7 of Legislative Decree 159/2025 provides for a strengthening of INAIL insurance protection and safety measures for students engaged in school-work training courses.

5.1 ACCIDENTS ON THE WAY TO WORK BY STUDENTS ENGAGED IN SCHOOL-WORK TRAINING

Art. 7 par. 1 of Decree-Law 159/2025 establishes that the provisions of art. 18 of Decree-Law no. 48 of 4.5.2023 (which provides for the extension of the insurance protection of students and staff of the national education and training system, vocational tertiary training and higher education), are interpreted as meaning that INAIL protection also applies to any accidents that occur on the way:

- from the home (or other domicile where the student is located) to the place where the school-work training courses take place;

- from the place where the school-work training courses take place to the student's home or home.

The interpretation provided by INAIL in Circular No. 45 of 26.10.2023 is therefore superseded. In this document, the Institute had specified that accidents *on the way to work* are excluded from insurance coverage, with the exception of those which, as part of the paths for transversal skills and orientation referred to in art. 1 co. 784 of Law 30.12.2018 n. 145, occur during the journey between the school where the student is enrolled and the place where the work experience takes place.

5.2 SAFETY IN SCHOOL-WORK TRAINING COURSES

Article 7, paragraph 2 of Legislative Decree 159/2025 inserts paragraph 784-novies into Article 1 of Law no. 145 of 30.12.2018, establishing that the agreements stipulated for school-work training courses between educational institutions and host companies cannot provide for students to be assigned to high-risk work, as identified in the risk assessment document (DVR) of the host company.

This is with the aim of ensuring a safe learning environment that complies with the training objectives provided by the school-work training courses, aimed at the acquisition of transversal skills through operational experiences and in line with their predominantly orientation function.

6 SCHOLARSHIPS FOR SURVIVORS OF THOSE WHO DIED FROM ACCIDENTS AT WORK OR OCCUPATIONAL DISEASES

Art. 8 of Decree-Law 159/2025 provides for the annual disbursement, by INAIL, of scholarships to pupils and students, survivors of deaths due to an accident at work or occupational disease, aimed at supporting the related activities.

The scholarships are recognized:

- as of 1.1.2026;
- In addition to the benefits provided for the survivors of those who died due to an accident at work or occupational diseases, pursuant to art. 85 of Presidential Decree 1124/65.

6.1 BENEFICIARIES

Beneficiaries of the scholarships are primary school pupils and students of lower and upper secondary schools, vocational education and training courses (IeFP), universities and higher education in the arts, music and dance (AFAM) and higher technological institutes (ITS *Academy*), holders of the survivors' pension, recognized pursuant to art. 85 of Presidential Decree 1124/65.

The education and training system includes:

- the educational institutions of the national education and training system and the universities of the European Union;
- schools, institutes, universities and institutes of higher education in the arts, music and dance (AFAM), however denominated, operating abroad, which carry out education and training activities and issue qualifications valid in Italy.

6.2 ANNUAL AMOUNT

The annual amount of the scholarships is:

- € 3,000.00, for each year of attendance at primary school and lower secondary school;
- € 5,000.00, for each year of attendance at upper secondary school and the vocational education and training system (IeFP);
- 7,000.00 euros, for each year of attendance at university and institutes of higher education in art, music and dance (AFAM) and higher technological institutes (ITS *Academy*).

The scholarship is paid until the age limits provided for by art. 85 co. 1, number 2), of Presidential Decree 1124/65.

6.3 CONDITIONS

The scholarship is subject to attendance with profit in each year of the course of study.

6.4 QUESTION

The disbursement of the scholarship is subject to the submission of a specific application to INAIL.

The application must:

- contain all the information necessary to ascertain successful attendance of the course of study;
- be submitted or sent within 60 days of the end of the school or academic year.

6.5 PAYMENT OF SCHOLARSHIPS AND SPENDING LIMIT

INAIL will pay scholarships to interested parties:

- for each year;
- due to the temporal order in which the applications were acquired;
- until the expected expenditure limit is reached (26 million euros per year starting from the year 2026).

INAIL monitors compliance with the expenditure limit by not proceeding with the acceptance of further applications if it emerges, even prospectively, that the limit has been reached.

7 INFORMATION SYSTEM FOR SOCIAL AND LABOUR INCLUSION (SIISL) - PUBLICATION OF JOB OFFERS IN THE EVENT OF CONTRIBUTION BENEFITS

Art. 14 par. 1 of Decree-Law 159/2025 provides that, from 1.4.2026, private employers requesting contribution benefits, however named and financed with public resources, for the recruitment of staff for them, will have to publish the availability of job positions on the Information System for Social and Labour Inclusion (SIISL), in order to promote transparency in the labour market and equal opportunities between workers.

For the purposes of the recognition of the aforementioned benefits, the employer's obligation to ensure compliance with the provisions on health and safety in the workplace remains unaffected.

Furthermore, in the same terms as in paragraph 1 of art. 14, employment agencies will be required to publish all job positions managed on the SIISL and, in compliance with the legislation on the processing of personal data, will be able to access the platform to identify suitable candidates with respect to the job positions published.

Paragraph 2 of art. 14 of Decree-Law 159/2025, again starting from 1.4.2026, provides that the mandatory communications referred to in art. 9-bis of Decree-Law 510/96 (mandatory communications of the establishment, modification and termination of employment relationships) may also be made through the SIISL, both by employers and by the qualified persons referred to in Law 12/79.

Implementing measure

The implementation methods of these provisions will be established by a subsequent ministerial decree.